

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA

v.

Cr. No. 11-20320-01-STA

DAVID RAY DANIELS,  
  
Defendant.

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POSITION OF THE DEFENDANT AS TO PRESENTENCE REPORT

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The Defendant, through his attorney, takes the following position with regard to the Presentence Report prepared and filed in this case.

1. He denies and objects to the application of the 2 level increase in his Total Offense Level, as is set forth in Paragraphs 26 and 27. He denies the existence of sexual contact and/or sexual assault on the victim.

The description of the physical contact allegedly committed by the Defendant is at Paragraph 10, and he denies this physical contact with the victim. He submits that his Offense Level should be 32. Should he be granted credit for acceptance of

responsibility per Paragraph 72, his Total Offense Level should be 29 and his criminal history category should be I.

2. The Defendant has examined the Total Offense Conduct as set forth in Paragraphs 5-18. The Defendant denies having physical contact with the victim as set forth in Paragraph 10. He admits generally to the remaining paragraphs. He disagrees with the wording used in some of the paragraphs, but the overall gist of the paragraphs are correct, and the Defendant will not challenge their accuracy at the sentencing hearing.

3. All remaining paragraphs of the Presentence Investigation Report are admitted.

4. The Defendant has submitted a statement of acceptance of responsibility statement to the Probation Officer, and he assumes that an Amended Presentence Investigation Report will incorporate his acceptance of responsibility.

Respectfully Submitted,

/s/ JEFFREY JONES  
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CERTIFICATE OF SERVICE

I certify I have distributed a copy of this Document to  
Debra L. Ireland, AUSA, this the 7th day of August, 2012.

/s/ JEFFREY JONES  
Jeffrey Jones (#5776)